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Message Text

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ACTION SNM-05

INFO OCT-01 EUR-12 IO-14 ISO-00 PPTE-00 CA-01 L-03
DEAE-00 /036 W
----------032535 150321Z /66
R 140940Z JUL 78
FM AMEMBASSY ANKARA
TO SECSTATE WASHDC 2622
INFO USMISSION GENEVA

UNCLAS SECTION 1 OF 2 ANKARA 5150

E.O. 11652 N/A
TAGS: SNAR, TU
SUBJ: NARCOTICS LAWS

REF: STATE 170187

1. AS REQUESTED REFTEL, AN UNOFFICIAL EMBASSY TRANSLATION OF ARTICLES FROM THE TURKISH CRIMINAL CODE PERTAINING TO NARCOTICS FOLLOWS:

QUOTE: ARTICLE 403. 1. WHOEVER MANUFACTURES, IMPORTS OR EXPORTS NARCOTICS OR ATTEMPTS TO PERPETRATE SUCH OFFENSES WITHOUT POSSESSING A LICENSE OR CONTRARY TO THE PURPOSE OF A LICENSE, SHALL BE PUNISHED BY HEAVY IMPRISONMENT FOR NOT LESS THAN TEN YEARS AND, IN ADDITION, BY BANISHMENT FOR THREE TO FIVE YEARS WHICH WILL BE EXECUTED IN A COUNTY CAPITAL OUTSIDE THE PRODUCTION AREAS WHERE THERE IS A POLICE ORGANIZATION AND WHERE HE WILL BE KEPT UNDER POLICE SUPERVISION DURING THE PERIOD OF BANISHMENT, AND BY A HEAVY FINE OF 10 LIRAS FOR EVERY GRAM OF NARCOTIC OR FRACTION THEREOF. HOWEVER, THE FINE SO IMPOSED SHALL NOT BE LESS THAN 1000 LIRAS.

2. IF THE NARCOTIC INDICATED IN THE FOREGOING PARAGRAPH
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IS EITHER HEROIN, HASHISH, COCAINE OR MORPHINE, THE PERPETRATOR SHALL BE PUNISHED BY LIFE IMPRISONMENT.

3. WHOEVER SELLS, PUTS ON SALE, PURCHASES, OR KEEPS NARCOTICS IN HIS POSESSION OR IN ANOTHER PLACE, OR TRANSFERS OR RECEIVES FREE OF CHARGE OR SHIPS OR TRANSPORTS SUCH ITEMS, OR MEDIATES IN THE SALE, PUR-

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CHASE, TRANSFER OR PROCUREMENT IN ANY WAY OF SUCH
ITEMS, IN TURKEY, WITHOUT A LICENSE, OR CONTRARY TO
A LICENSE, SHALL BE PUNISHED BY HEAVY IMPRISONMENT
FOR NOT LESS THAN FIVE YEARS, AND IN ADDITION BY
BANISHMENT FOR TWO TO FIVE YEARS WHICH WILL BE
EXECUTED IN A COUNTRY CAPITAL OUTSIDE THE PRODUCTION
AREAS WHERE THERE IS A POLICE ORGANIZATION AND WHERE
HE WILL BE KEPT UNDER POLICE SUPERVISION DURING THE
PERIOD OF BANISHMENT, AND BY A HEAVY FINE OF 10 LIRAS
FOR EVERY GRAM OF NARCOTIC OR FRACTION THEREOF.
HOWEVER, THE FINE SO IMPOSED SHALL NOT BE LESS THAN
500 LIRAS.

4. WHERE THE OFFENSE SPECIFIED IN THE FOREGOING
PARAGRAPH INVOLVE EITHER HERIOIN, COCAINE, MORPHINE OR
HASHISH, HEAVY IMPRISONMENT TO BE IMPOSED SHALL NOT BE
LESS THAN TEN YEARS, NOR THE HEAVY FINE LESS THAN 1000
LIRAS, NOR THE BANISHMENT FOR LESS THAN THREE YEARS.

5. WHOEVER ORGANIZES SOCIETIES WITH THE PURPOSE OF
COMMITTING THE OFFENSES PRESCRIBED IN THE FOREGOING
PARAGRAPHS, OR GOVERNS OR PARTICIPATES IN SUCH SOCIETIES,
SHALL SUFFER HEAVY IMPRISONMENT FOR NOT LESS THAN FIVE
YEARS.
CONSPIRACY OF TWO OR MORE PERSONS TO COMMIT SUCH OFFENSES
IS CONSIDERED ORGANIZING A SOCIETY.
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IN CASE OF A COMMISSION OF THE CRIME BY THOSE ORGANIZING
OR GOVERNING OR PARTICIPATING IN A SOCIETY, THE PUNISH-
MENTS PRESCRIBED IN PARAGRAPHS 1, 3 AND 4 SHALL BE DOUBLED.
UNDER CONDITIONS DESCRIBED IN THE SECOND PARAGRAPH THE
PERPETRATORS AHLL BE SENTENCED TO DEATH.

6. WHERE THE CRIMES DEFINED IN PARAGRAPHS 1, 3 AND 4
ARE COMMITTED JOINTLY BY TWO OR MORE PERSONS HAVING NO
AGREEMENT OR CONNECTION WITH PERSONS WHO HAVE MADE SUCH
CRIMES A PROFESSION, TRADE, OR A MEANS OF MAKING A
LIVING, THE PUNISHMENT FOR THE PERPETRATORS SHALL BE
INCREASED BY ON-HALF. UNDER THE CONDITIONS INDICATED
IN PARAGRAPH 2 THE PUNISHMENT SHALL BE DEATH.

7. PERSONS USING A MINOR OR A PERSON WHO HAS NO CRIMINAL
LIABILITY IN COMMITTING THE OFFENSES DEFINED IN PARAGRAPHS
1, 3 AND 4, SHALL SUFFER THE PUNISHMENT PRESCRIBED FOR
THE PRINCIPAL INCREASED BY ONE-SIXTH, AND IN THE CASE OF
PARAGRAPH 2, THE PUNISHMENT SHALL BE DEATH.
IN CASE AN OFFENDER IS SENTENCED TO DEATH ACCORDING TO
PARAGRAPHS 1, 2, 5, 6, OR 7, OR WHERE THIS PUNISHMENT
IS COMMUTED TO A LESSER PUNISHMENT, A DECISION FOR THE

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CONFISCATION OF ALL PERSONAL AND REAL PROPERTIES OF THE
OFFENDER SHALL ALSO BE RENDERED.

404. 1. PERSONS WHO FACILITATE THE USE OF NARCOTICS
THROUGH SUMMONING ONE OR MORE PERSONS BY WAY OF PRIVIDING
A SPECIAL PLACE OR IN OTHER WAYS, AND PERSONS WHO GIVE
SUCH SUBSTANCES TO MINORS OR TO OVERTLY INSANE PERSONS
OR TO AN ADDICT, SHALL SUFFER THE PUNISHMENTS PRESCRIBED
IN PARAGRAPHS 3 AND 4 OF ARTICLE 403 INCREASED BY ONE-
SIXTH.

2. THOSE WHO USE NARCOTICS OR KEEP THEM IN THEIR
POSSESSION WITH THE PURPOSE OF USING THEM SHALL BE
PUNISHED BY IMPRISONMENT FOR THREE TO FIVE YEARS AND
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BY A HEAVY FINE OF 100 TO 1000 LIRAS.
RECIDIVISTS, APART FROM BEING IMPRISONED AND FINED,
SHALL BE BANISHED FOR NOT LESS THAN ONE YEAR, WHICH
WILL BE EXECUTED IN A COUNTY CAPITAL OUTSIDE THE
PRODUCTION AREAS WHERE THERE IS A POLICE ORGANIZATION
AND WHERE THEY WILL BE KEPT UNDER POLICE SUPERVISION
DURING THE BANISHMENT PERIOD.

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UNCLAS SECTION 2 OF 2 ANKARA 5150

A PERSON ADDICTED TO NARCOTICS SHALL BE KEPT AND TREATED
IN A HOSPITAL UNTIL IT IS MEDICALLY ASCERTAINED THAT
HE HAS RECOVERED. IN LOCATIONS WHERE THERE IS NO

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HOSPITAL SUCH PERSONS WILL BE SENT TO A PLACE WHERE
THERE IS A HOSPITAL.
A DECISION TO KEEP AND TREAT IN A HOSPITAL A PERSON
WHO IS MEDICALLY ASCERTAINED TO BE ADDICTED TO NARCOTICS
MAY BE RENDERED BY THE COURT OF COMPETENT JURISDICTION
AT EVERY STAGE OF THE INVESTIGATION. PERSONS ADDICTED
TO NARCOTICS SHALL ALSO BE PUT UNDER POLICE SUPERVISION
FOR A PERIOD OF SIX MONTHS TO ONE YEAR.

3. IF A PERSON WHO HAS PARTICIPATED IN A CRIME DEFINED
IN ARTICLE 403 OR IN THIS ARTICLE INFORMS THE CONCERNED
AUTHORITIES OF THE CRIME, THE ACCOMPLICE AND THE PLACES
WHERE THEY KEEP AND MANUFACTURE THE NARCOTICS, BEFORE
OFFICIAL AUTHORITIES ARE INFORMED THEREOF, AND THUS
FACILITATES THEIR APPREHENSION, HE SHALL BE EXEMPT FROM
PUNISHMENT INVOLVING HIS OFFENSE.
FOR A PERSON HAVING SERVED OR AIDED IN THE DISCLOSURE
OF THE CRIME OR IN THE APPREHSNSION OF THE CRIMINALS
AFTER OFFICIAL AUTHORITIES ARE INFORMED OF SUCH CRIMES
CAPITAL PUNISHMENT MAY BE COMMUTED TO HEAVY IMPRISONMENT FOR
NOT LESS THAN FIFTEEN YEARS, AND LIFE IMPRISONMENT TO
HEAVY IMPRISONMENT FOR NOT LESS THAN TEN YEARS, AND
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OTHER PUNISHMENTS MAY BE REDUCED BY ONE-HALF.

405. THOSE WHO PURCHASE THE SUBSTANCES SPECIFIED
IN ARITCLE 403 WITH A FALSE PRESCRIPTION SHALL BE
IMPRISONED FOR NOT LESS THAN A YEAR AND A HEAVY FINE
OF 100 TO 1000PLIRAS SHALL BE IMPOSED.

406. 1. IF THE OFFENSES DEFINED IN ARTICLE 403
ARE COMMITTED EITHER BY A PHYSICIAN, OR A VETERINARIAN,
OR A PHARMACIST, OR A DENTIST, OR A DRUGSTORE OWNER
OR THE MANAGER, OR A CIVILIAN OR MILITARY SANITATION
OFFICER, OR A MIDWIFE, OR A NURSE, HEAVY LIFE IMPRISON-
MENT PRESCRIBED IN THAT ARTICLE SHALL BE CHANGED TO THE
PUNISHMENT OF DEATH AND THE PUNISHMENTS OF TEMPORARY
HEAVY IMPRISONMENT, HEAVY FINE AND BANISHMENT SHALL BE IN-
CREASED BY ONE-THIRD TO ONE-HALF. THE PERPETRATOR SHALL
ALSO BE DISQUALIFIED FOR LIFE FROM HOLDING HIS OFFICE
OR EXERCISING HIS PROFESSION.

2. IF THE OFFENSES DEFINED IN ARTICLE 403 AND PARAGRAPH 1
OF ARTICLE 404 ARE COMMITTED IN ANY KIND OF TRANSPORTATION
MEANS OR IN PUBLIC PLACES BY THE OWNERS OR EMPLOYEES
THEREOF OR BY GOVERNMENT OFFICERS OR EMPLOYEES THROUGH
MISUSING THEIR OFFICE OR AUTHORITY, HEAVY LIFE IMPRISONMENT
PRESCRIBED IN THE AFORESAID ARTICLE OR PARAGRAPH SHALL BE
CHANGED TO THE PUNISHMENT OF DEATH, AND TEMPORARY HEAVY

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IMPRISONMENT, HEAVY FINE AND BANISHMENT SHALL BE DOUBLED.
THE PERPETRATOR SHALL BE DISQUALIFIED FOR LIFE FROM
HOLDING HIS OFFICE OR FROM EXERCISING HIS TRADE OR PROFESSION.

407. WHERE THE OFFENSES DEFINED IN THE FOREGOING
ARTICLES RESULT IN AN INJURY TO THE HEALTH OF A PER-
SON SUCH AS GETTING SICK, INJURED OR BRUISED, THE
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PUNISHMENTS, WITH THE EXCEPTION OF DEATH AND HEAVY
LIFE IMPRISONMENT, SHALL BE INCREASED BY ONE-THIRD
TO ONE-HALF. IF THE OFFENSE HAS RESULTED IN AN
INJURY TO THE HEALTH OR MORE THAN ONE PERSON, SAID
PUNISHMENTS SHALL NOT BE LESS THAN DOUBLED.
IN CASE THE OFFENSE HAS RESULTED IN A PERSON'S DEATH
THE OFFENDER SHALL BE SENTENCED TO DEATH.

408. ALL PROPERTIES EXISTING IN A PLACE OPENED TO
FACILITATE THE USE OF THE SUBSTANCES INDICATED IN
ARTICLE 403 SHALL BE CONFISCATED AND HALF THE PRICE
OF THESE PROPERTIES SHALL BE GIVEN TO THOSE HAVING
SERVED IN THE DISCLOSURE OF THE CRIME. END QUOTE.

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2. IN 1974 THE EMBASSY COMMISSIONED A STUDY OF
TURKISH NARCOTICS LAWS BY ANKARA UNIVERSITY LAW
PROFESSOR UGUR ALACAKAPTAN. ALTHOUGH THERE HAVE
BEEN SOME CHANGES IN TURKISH LAW SINCE THE
STUDY WAS COMPLETED, WE BELIEVE IT WILL PROVIDE
A USEFUL ADJUNCT TO THE COMPLILATION PLANNED
BY THE DEPARTMENT. WE ARE FORWARDING A COPY BY
POUCH TO S/NM. DILLON

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Secure: OPEN
Status: NATIVE
Subject: NARCOTICS LAWS
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